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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,605	03/05/2002	Andrew L. Wilhelm	DP-301569	6575

7590 04/01/2004

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 04/01/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/090,605

Applicant(s)

WILHELM ET AL.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to Applicant's response filed September 2, 2003.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

3. Claims 22 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiener (US Patent No. 6,490,521).

Refer to previous office action paper number 4.

#### ***Claim Rejections - 35 USC § 103***

4. Claims 1-21 and 23-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener (US Patent No. 6,490,521) in view of Maxwell et al. (US Patent NO. 5,636,921).

Refer to previous office action paper number 4.

#### ***Applicant's Remarks***

##### **Argument 1:**

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With respect to claims 22 and 50, the applicant has asserted that Wiener does not appear to describe a system controller, which, in response to the condition signal AND the position signal forms an overlay condition position signal.

Argument 2:

Regarding claim 1, 13, 26 and 40 the applicant has argued that the reference does not each converting the condition information and the position signal into a condition alert signal in Wiener and for that reason, the applicant believes that Wiener and Maxwell would not disclose the system claimed in claims 1 and 14 and thus would not comply with one of the basic requirements of a prima facie case of obviousness.

***Response to Applicant's Remarks***

Response to argument 1:

It is submitted that Wiener's system receives from map data parser 79 the current position of the subscriber unit (i.e. position signal) then destination information, traffic information, and weather information (i.e. condition signal) may be superimposed on the map. Col. 6, lines 32-40). Clearly, the system control in response to the condition signal AND the position signal forms an overlay condition position signal. The applicant's argument thus is not persuasive.

Response to argument 2:

The condition alert signal is what display on the indicator 81 and 83 in Wiener. Therefore, it is inherent that the condition information and the position signal are inherently converted into a condition alert signal. It would have been obvious to one skilled in the art to combine the system of Wiener and Maxwell and using this condition alert signal to override the audio entertainment system to provide audio signals in place of signals on indicators 81, 83 because a skilled artisan would have readily recognized using the indication signal as a condition to override the entertainment system.

Regarding the argument that the requirements of prima facie case of obviousness is not satisfied, the examiner submits that Wiener discloses a system wherein an alert is displayed or indicated through a speaker to so that information can be conveyed to the vehicle operator while Maxwell suggests that it would be more effective to provide alert by overriding a vehicle entertainment system. Therefore, one skilled in the art would have combined the teaching in Maxwell into the system of Wiener to provide more effective alert indication and the prima facie case of obvious is established herein since the primary reference disclose providing condition information in an effective way by broadcasting it over a vehicle speaker while such condition information would be provided more effectively if it overrides the vehicle entertainment system as suggested in Maxwell.

For the reason stated above, the rejection is sustained.

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*Conclusion*

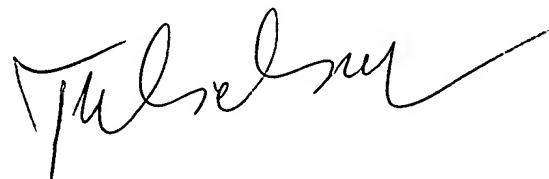
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu  
Primary Examiner  
Art Unit 2636

Mar. 31, 04